IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23377 of 2004

Between:

Kosuru Kesavaiah, s/o Ankaiah,
r/o Anekepalli (Vil) Venkatachalam Mandal,
Nellore District.

..... PETITIONER

AND

1 The District Collector (P.T.Wing), Nellore.
2 The District Panchayath Officer, Nellore, Nellore District.
3 Gummadi Raja Yadava, s/o Bhaskaraiah,
r/o Anekepalli (Vil), Venkatachalam Mandal,
Nellore District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a WRIT, ORDER OR DIRECTION more particularly one in the nature of writ of mandamus under Article 226 of the Constitution of India declaring the action of the District Collector (P.T.Wing), Nellore in not considering the representation dated 6-12-2004 submitted by the petitioner and the other villagers, is arbitrary, illegal, without jurisdiction and consequently DIRECT the District Collector (P.T.Wing), Nellore to consider the representation dated 6-12-2004 submitted by the petitioner and other villagers and pass such other order or orders

Counsel for the Petitioner:MR.CH.CKRISHNA REDDY

Counsel for the Respondent No.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

ORDER:

The petitioner claims to be Vice President of Anekepalli Gram Panchayat, Venkatachalam Mandal, Nellore district and complains that the third respondent/Sarpanch of the said Gram Panchayat has misappropriated several thousands of rupees of Gram Panchayat funds. The petitioner stated to have filed a representation to the District Collector on 6-12-2004 pointing out the irregularities committed by the third respondent. The grievance of the petitioner in the present writ petition is that though he has filed a representation to the District Collector on 6-12-2004, no action is forthcoming till date.

Learned Government Pleader for Panchayat Raj submitted that the writ petition is premature since the petitioner stated to have made a representation only on 6-12-2004 and it cannot be said that respondent authorities are not considering his representation.

Heard learned counsel for petitioner, learned Government Pleader for Panchayat Raj and Mr.D.Srinivas. All the counsel agreed for disposal of the writ petition at the stage of admission.

Even as per the averments of the affidavit, the petitioner stated to have made a complaint to the District Collector only on 6-12-2004 and without waiting for

reasonable period, has chosen to file the present writ petition on 14-12-2004 itself alleging that no action is taken on his representation. As such, the allegation of the petitioner that his representation was not being considered, cannot be accepted. Merely on an apprehension, the present writ petition was filed, which needs no interference from this Court. The writ petition fails and the same is dismissed at the admission stage.

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N.V.RAMANA,J

16-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector (P.T.Wing), Nellore.
2 The District Panchayath Officer, Nellore, Nellore District.
3 Gummadi Raja Yadava, s/o Bhaskaraiah,
r/o Anekepalli (Vil), Venkatachalam Mandal,
Nellore District.

4.2CCs to G.P. for Panchayat Raj, High Court of A.P. buildings, Hyderabad (OUT)

5.2CD copies

6.2CCs to